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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,

Plaintiffs,

v.

FEDEX CORPORATION d/b/a/ FEDEX
EXPRESS,

Defendant.

Case No. C 04-0098-SI; 04-0099-SI

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND HEARING DATE
ON MOTION FOR LEAVE TO FILE
AMENDED FEE PETITION PURSUANT
TO LOCAL RULE 7-7(a)**

Hearing Date: December 16, 2010

Time: 9:00 a.m.

Courtroom: 10 (19th Floor)

Judge: Honorable Susan Illston

STIPULATION

Pursuant to Civil Local Rule 7-7(a), former plaintiffs' counsel, Waukeen Q. McCoy, and Defendant Federal Express Corporation ("FedEx"), by and through their respective counsel of record, stipulate and agree as follows:

A. On July 29, 2010, the Court entered an order setting for hearing on December 16, 2010 Mr. McCoy's motion for leave to file an amended fee petition (Dkt. No. 1578);

B. The Court's briefing schedule sets the due dates for the motion, opposition and reply to be September 24, 2010, October 29, 2010 and Nov. 12, 2010, respectively;

C. Mr. McCoy and FedEx are currently scheduled to participate in a mediation on September 10, 2010 that may need eliminate the need for said motion;

D. Mr. McCoy and FedEx have therefore agreed to jointly request a postponement of the December 16, 2010 hearing and a 30-day extension of time on their respective briefing deadlines on Mr. McCoy's motion for leave to file an amended fee petition;

E. Postponing the hearing will not alter any other Court dates set in this matter.

NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE as follows:

1. The filing deadline for Mr. McCoy's motion for leave to file an amended fee petition shall be October 25, 2010.

2. The filing deadline for FedEx's opposition to Mr. McCoy's motion for leave to file an amended fee petition shall be November 29, 2010.

3. The filing deadline for Mr. McCoy's reply to FedEx's opposition shall be December 13, 2010.

4. The hearing date on Mr. McCoy's motion for leave to file an amended fee petition shall be on a date established by the Court on or after January ___, 2011.

1 **IT IS SO STIPULATED.**

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3 DATED: August 30, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

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5 By: /s/ Mario A. Moya

6 Mario A. Moya

Attorneys for WAUKEEN Q. McCOY

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8 DATED: August 30, 2010

FEDERAL EXPRESS CORPORATION

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10 By: /s/ Frederick L. Douglas

11 Frederick L. Douglas

Attorneys for Defendant

12 FEDERAL EXPRESS CORPORATION

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14 **ORDER**

15 The hearing date on Mr. McCoy's motion for leave to file an amended fee petition is re-set
16 to Jan. 21, 2011. The respective deadlines for the motion, opposition, and reply are
17 hereby reset as set forth above.

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19 **IT IS SO ORDERED**

20 DATED: _____, 2010

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23 Hon. Susan Illston

United States District Judge

24 Northern District of California

ATTESTATION PER GENERAL ORDER 45, § X.B.

I hereby attest that Frederick L. Douglas, counsel for Defendant, concurs in the filing of this document, and that I have on file all holographic signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

DATED: August 30, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

By: /s/ Mario A. Moya

Mario A. Moya

Attorneys for WAUKEEN Q. McCOY